



SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
RENE C DAVDISON HALL OF JUSTICE

FILED
ALAMEDA COUNTY

MAR -1 2019

CLERK OF THE SUPERIOR COURT
[Signature]
Deputy

The People of the State
of California,

Dept. No. 09

Plaintiff,

No. 17-CR-017349A/B

v.

Media Order re. Cameras in the Courtroom

Max Cardin Harris & Derick Ion Almena,

March 1, 2019, 9am, Dept. 9

Defendant.

ORDER

Each counsel have indicated on the record that *they object to cameras in the courtroom* during witness testimony, opening statement, closing argument and reading of the verdicts.

The purpose of this order is to protect the parties' constitutional rights to a fair and impartial jury, to protect the juror's privacy, to allow the public and the media to exercise their First Amendment rights; to ensure courtroom proceedings are conducted with respect and decorum for the proper administration of justice; and to ensure the safe, orderly use of court facilities.

The Court has heard the arguments of counsel and recited all of the reasons on the record.

The media will be allowed in the courtroom for all proceedings unless the proceeding, by law, is required to be held in closed session.

The Court reserves the rights of the parties to collectively stipulate to a modification of this order.

The Court may rescind or modify this order at any time based on specific circumstances or in the Court's discretion.

Security

The Alameda County Sheriff's Department is responsible for security in the Alameda County Superior Court. All members of the public will be subject to security screening at the building's entrance. *Mandatory secondary security may be conducted outside of Department 9.*

Failure to adhere to the rules in this order or to abide by the orders of the Sheriff's Department may result in sanctions, including expulsion from the courtroom and/or courthouse, and any other lawful response.

Department 9 Rules of Decorum

Once a court session begins, distractions will not be tolerated. The bailiff will only allow entrance and exit during breaks in the trial or when a witness is entering or exiting. *If a person chooses to leave the courtroom during a court session, he/she shall not be allowed to reenter until the next break in the proceedings.*

No beverages, food, or newspapers are allowed in the courtroom.

Audience members must refrain from outbursts, including reacting orally or physically to questions, testimony, arguments, or comments made by the judge, attorneys or witnesses. Audience members may not pass notes or talk to another audience member while court is in session.

No member of the audience may speak to the judge, jurors, alternates jurors, or court staff.

Any conduct or circumstance that the Court deems prejudicial so as to violate the defendant's right to a fair trial will be removed from the courtroom. Audience members may not wear clothing or other accessories aimed at eliciting any emotional response from the jury.

Photography, Video, Audio, and Electronic Devices in the Courtroom

Recording or broadcasting of proceedings is restricted in the courtroom. *Still and video cameras will not be allowed in the courtroom during the trial.* No video, audio or electronic recording of any kind is allowed in the courtroom. This includes audio recordings for note-taking purposes.

Audience members: All cell phones, smart phones, smart watches, laptops, tablets, and all other electronic devices must be turned off and stowed away while in the courtroom. The use of electronic devices is prohibited inside the courtroom at all times.

Counsel will be allowed to use laptops, tablets, and approved electronic devices during the presentation of evidence and argument.

Two sketch artists will be permitted in the courtroom. Sketches of the judge, attorneys, defendant and witnesses are allowed. Sketches of jurors, alternate jurors, court staff and bailiffs, including shadow figures, are prohibited.

There are 41 seats in Dept. 9. Standing is not permitted. There will be designated seating for families, media, the public, court staff and other audience members as deemed necessary by the Court.

Trial Proceedings and Jurors

Media personnel will be allowed **to attend** the following trial proceedings: voir dire of the potential jurors, opening statements, witness testimony, jury instructions, closing arguments, and reading of the verdict.

During the trial, the media may not approach, contact, attempt to interview, photograph, sketch, or in any other way identify and prospective juror, or alternate juror in this matter. The media shall make no attempt to contact, interview, or question prospective or empaneled jurors until the end of the trial.

Potential and impaneled jurors will be identified only by their juror number during the pendency of the trial. Completed juror questionnaires will remain confidential until judgment is rendered.

The media and the public must safeguard the jury's impartiality by ensuring that discussions or media interviews about the trial or trial testimony are not conducted in the presence of any juror or potential juror.

Outside the Courtroom

No disruptions in the hallway will be tolerated. The noise level in the hallway must be kept to a minimum. Other courtrooms will also be in session. No passageways or doors may be blocked.

Exhibits

Requests for access to trial exhibits will not be fulfilled until judgment is rendered.

Violations of this Order

Anyone violating this order will be subject to the discipline of the Court, including, but not limited to, the Court's contempt authority, immediate removal from the courtroom, prohibition from returning to the courtroom and revocation of the court issued medial credential.

Photographs, video, or audio recordings made in violation of this order will be subject to equipment confiscations and erasure of the prohibited content. Violators of this order may be excluded from the courtroom during the duration of the trial.

Distribution of this Order

This order will be displayed outside of Department 9. It will be delivered to the media and the public via electronic distribution and the Court's website.

SO ORDERED.

DATED: March 1, 2019


TRINA THOMPSON
JUDGE OF THE SUPERIOR COURT

Points and Authorities:

5th, 14th, and 6th Amendment, U.S. Constitution
1st Amendment, U.S. Constitution
California Rules of Court 1.150
California Rules of Court, rule 2.503(e)
Local Rules 1.7
People v. Dixon (2007) 148 Cal App 4th 414
Chandler v. Florida (1981) 449 U.S. 560
Richmond Newspapers Inc. v. Virginia (1980) 448 U.S. 555
Estes v. Texas (1965) 381 U.S. 532
Penal Code section 116.5, 166(a)(4)
Pen C §§630-638.
Penal Code section 868
Code of Civil Procedure sections , §§128, 177.5, 206, 237, 1209(a)(5) , 1218
MC 500/510